

PATENT

A-68717-2/DJB/RMS/VEJ
Application No. *To be assigned*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Michal Lebl *et al.*

Application No. *To be assigned*

Filed: **June 13, 2001**

For: **OLIGONUCLEOTIDE
SYNTHESIZER**

Examiner: *To be assigned*

Art Unit: *To be assigned*

Docket No.: **A-68717-2/DJB/RMS/VEJ**

"EXPRESS MAIL" MAILING LABEL NUMBER **EL915250168US**
DATE OF DEPOSIT **June 13, 2001**
I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED
WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST
OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE
INDICATED ABOVE AND IS ADDRESSED TO: BOX PATENT
APPLICATION FEE, ASSISTANT COMMISSIONER FOR PATENTS,
WASHINGTON, DC 20231.
TYPED NAME **VICTOR E. JOHNSON**

SIGNED

[Signature]

11000 U.S. PTO
09/881052
06/13/01

[Handwritten marks: #17, C, 3/11/02]

INFORMATION DISCLOSURE STATEMENT

BOX PATENT APPLICATION FEE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Information Disclosure Statement is hereby submitted in accordance with 37 CFR 1.98 and pursuant to Applicant's continuing duty under 37 CFR 1.56 to bring any information which may be material to patentability of this application to the Examiner's attention. The Examiner's attention is directed to the reference(s) cited on the accompanying substitute for form PTO-1449A/PTO. Copies of the cited references are enclosed, unless otherwise noted below. It is further understood that the Examiner will also consider information that was cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. Notice of April 20, 1992, 1138 OG 37-41, at 37; M.P.E.P. § 609 (A)(2).

Applicant makes no representation that a search has been conducted by the Applicant, or that there is not possibly more relevant art. Applicant also makes no representation that the information submitted herewith is in fact material to patentability.

PATENT

A-68717-2/DJB/RMS/VEJ
Application No. *To be assigned*

The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 11 O.G. 13-25, at 25.

This Information Disclosure Statement is being filed within three months of the filing date of a national application other than a continued prosecution application, within three months of the date of entry of a national stage, before the mailing date of a first Office action on the merits, or before the mailing date of a first Office action after the filing date of request for continued examination. 37 C.F.R. § 1.97(b). No fee is required.

This Application relies on the earlier filing date of prior Application No. 09/738,473, filed December 13, 2000, under 35 U.S.C. § 120. It is understood that the Examiner will consider information that was submitted to or cited by the Office in such prior applications. Notice of April 20, 1992, 1138 OG 37-41, at 37; M.P.E.P. § 609 (A)(2). Copies of all cited documents were previously submitted to or cited by the Office in the prior application are not required to be provided in this application and thus are not attached. 37 C.F.R. § 1.98(d).

The non-English language document(s) was/were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.

In accordance with M.P.E.P. §2001.06(b), the Examiner's attention is directed to copending U.S. Patent Application No. 09/493,741 (Attorney Docket No. A-68851-1/DJB/RMS/DCF), filed January 28, 2000, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a

PATENT

A-68717-2/DJB/RMS/VEJ
Application No. *To be assigned*

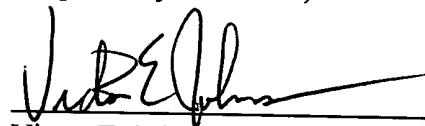
waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

The Commissioner is hereby authorized to charge any underpayment of the following fees associated with this communication, including any necessary fees for extension of time, or credit any overpayment to Deposit Account No. 06-1300 (A-68717-2/DJB/RMS/VEJ).

Date:

June 13, 2001

Respectfully submitted,



Victor E. Johnson

Registration No. 41,546

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP
Four Embarcadero Center, Suite 3400
San Francisco, CA 94111-4187
Telephone: (415) 781-1989 Facsimile: (415) 398-3249
(1054375)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Complete if Known

Application Number	To be assigned
Filing Date	June 13, 2001
First Named Inventor	Michal Lebl et al.
Group Art Unit	To be assigned
Examiner Name	To be assigned
Attorney Docket Number	A-68717-2/DJB/RMS/VEJ

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	A1	3,586,484		ANDERSON	06/22/1971	
	B1	3,712,535		GENESE et al.	01/23/1973	
	C1	4,244,694		FARINA et al.	01/13/1981	
	D1	4,412,973		GUIGAN	11/01/1983	
	E1	5,089,417		WOGOMAN	02/12/1992	
	F1	5,202,418		LEBL et al.	04/13/1993	
	G1	5,338,831		LEBL et al.	08/16/1994	
	H1	5,342,585		LEBL et al.	08/30/1994	
	I1	6,045,755		LEBL et al.	04/04/2000	
	J1	6,121,054		LEBL	09/19/2000	
	K1					
	L1					
	M1					
	N1					
	O1					
	P1					
	Q1					
	R1					

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ² (if known)				
	S1	GB	1,241,539		American Hospital Supply Corp.	08/04/1971		
	T1	FR	2,156,519		Immuno Ag. Für Chemisch-	06/01/1973	FIGS. 1-2	
	U1	JP	61-139756		Dainippon Pharmaceut	06/27/1986		X
	V1	EP	0,445,915	A1	Ceskoslovenska Akademie Ved	09/11/1991		X
	W1	WO	90/05590		Institut Molekulyarnoi Biologii	05/31/1990		
	X1							
	Y1							
	Z1							

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English Language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Please type a plus sign (+) inside this box ☐

PTO/SB/8A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known		
Application Number		To be assigned				
Filing Date		June 13, 2001				
First Named Inventor		Michal Lebl et al.				
Group Art Unit		To be assigned				
Examiner Name		To be assigned				
Attorney Docket Number		A-68717-2/DJB/RMS/VEJ				
Sheet	2	of	3			

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	A					
	B					
	C					
	D					
	E					
	F					
	G					
	H					
	I					
	J					
	K					
	L					
	M					
	N					
	O					
	P					
	Q					
	R					

FOREIGN PATENT DOCUMENTS									
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear		T ⁶
		Office ³	Number ⁴	Kind Code ² (if known)					
	W1	EP	0,569,115	A3	General Atomics	11/10/1992			
	V1	WO	93/10455		Cirrus Diagnostics, Inc.	05/27/1993			
	U1	WO	99/25470		Trega Biosciences, Inc.	05/27/1999			
	T1	WO	00/44491	A3	Illumina, Inc.	08/03/2000			
	W								
	X								
	Y								
	Z								

Examiner Signature	Date Considered	
--------------------	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English Language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

(1054375)

Please type a plus sign (+) inside this box ☐

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	To be assigned
				Filing Date	June 13, 2001
				First Named Inventor	Michal Lebl <i>et al.</i>
				Group Art Unit	To be assigned
				Examiner Name	To be assigned
Sheet	3	of	3	Attorney Docket Number	A-68717-2/DJB/RMS/VEJ

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	A	LEBL, M. "New Technique for High-Throughput Synthesis," Bioorganic & Medicinal Chemistry Letters, 9:1305-1310 (1999).	
	B	LEBL, M., "A new Approach to Automated Solid Phase Synthesis Based on Centrifugation of Tilted Plates," Journal of the Association for Laboratory Automation, 3(3): 59-61 (1998).	
	C	MENOTTI et al., "Facile Manual Synthesis of Peptide Libraries," Protein and Peptide Letters, 1(3): 187-192 (1994).	
	D	FOUST et al., "Principles of Unit Operations," John Wiley & Sons, New York, 628 (1980).	
	E	BIRR, C, Aspects of the Merrifield Peptide Synthesis, Springer-Verlag, New York, entire book, 101 pages (1978).	
	F		
	G		
	H		
	I		
	J		
	K		

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English Language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

8086 1449B.FRM (1/01)
(1054375)